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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,402	08/08/2003	Michael N. Rosenheimer	5858-00700	3180
35617	7590	04/20/2006		
DAFFER MCDANEIL LLP P.O. BOX 684908 AUSTIN, TX 78768			EXAMINER SCHINDLER, DAVID M	
			ART UNIT 2862	PAPER NUMBER

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/637,402	<b>Applicant(s)</b> ROSENHEIMER ET AL.	
	<b>Examiner</b> David Schindler	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is in response to the communication filed 1/05/2006.

***Claim Objections***

2. Claims 8-29 are objected to because of the following informalities:

As to Claims 8-29,

The use of the term "signals" throughout the claims is unclear. See for example line 3 of claim 8. As only a single magnetic field sensor is claimed, it is not clear how there would be "signals" from the magnetic field sensor.

As to Claims 14 and 25,

The phrase "which compares at least one value computed from the signals of said magnetic field sensor with the predetermined limit and signals the entry of the value to the memory when this limit is exceeded" on lines 2-5 in claim 14 and lines 2-4 in claim 25 is unclear. Specifically, the phrase "signals the entry of the value to the memory when this limited is exceeded" is not clear. The Examiner notes lines 17-18 of page 10 of the substitute specification which states "When the limit discriminator has established a relevant value it signals to the memory that this value and possible additional information should be stored." For the purpose of examination, the Examiner is assuming the above claims to mean that the computed value is stored in memory when it exceeds a predetermined threshold.

As to Claims 18 and 29,

The phrase "in a device housing or its package" on the last line is unclear.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8, 10, 11, 12, 14, 16, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al. (herein referred to as "Fujita") (Portable magnetic field dosimeter with data acquisition capabilities).

As to Claim 8,

Fujita discloses an analyzer unit for evaluation of signals from the magnetic field sensor, wherein the analyzer unit forms a differentiation as a function of time from signals of the magnetic field sensor ((Figure 1) and (Page 328, Right Column, IV. . Software, Lines 1-4) and (Page 329, Right Column, (3) Magnitudes of B and dB/dt, Lines 1-3)).

As to Claim 10,

Fujita discloses the device includes at least one memory associated with the analyzer unit, to store at least one of the signals of the magnetic field sensor and values obtained by processing the signals. (Page 326, Top Center Paragraph which is above the Introduction, Lines 3-11).

As to Claim 11,

Fujita discloses the device includes at least one signaling unit associated with the analyzer unit (Page 329, Right Column, (5) Alarm Threshold, Lines 1-3).

As to Claim 12,

Fujita discloses the magnetic field sensor and the analyzer unit are incorporated in a common housing ((Page 330, Left Column, VI. Mechanical and Operational Specifications, A. Size, Lines 1-4) and (Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-8) and (Figure 1) and (Page 327, Right Column, Table I. Dosimeter components)).

As to Claim 14,

Fujita discloses at least one limit discriminator is provided in the analyzer unit, which compares at least one value computer from the signals of the magnetic field sensor with the predetermined limit and signals the entry of the value to the memory when this limit is exceeded ((Page 329, Right Column, (5) Alarm threshold, Lines 1-12) and (Page 329, Right Column, (6) Data storage, Lines 1-12) and (Page 330, Left Column, Lines 1-2 at the top of the page)).

As to Claim 16,

Fujita discloses means are provided for communication and data exchange (Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-10).

As to Claim 17,

Fujita discloses the communication and data exchange means are an interface for linking an external computer and a memory card ((Page 326, Right Column, I.

Design Rationale and System Elements, Lines 1-10) and (Page 330, Left Column, V. Readout Station, Lines 1-7)).

As to Claim 18,

Fujita discloses the magnet field sensor and the analyzer unit are jointly accommodated in a housing that is suitable for being fastened on a piece of clothing ((Page 330, Left Column, VI. Mechanical and Operational Specifications, A. Size, Lines 1-10) and (Page 330, Right Column, Line 1) and (Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-8) and (Figure 1) and (Page 327, Right Column, Table I. Dosimeter components)).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. With regard to DE 19809076, note that the below cited locations refer to the English translation provided with the Office Action of 10/05/2005.

8. Claims 9, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (herein referred to as "Fujita") (Portable magnetic field dosimeter with data acquisition capabilities) in view of Haase et al. (herein referred to as "Haase") (DE 19809076).

As to Claim 9,

Fujita does not disclose the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor.

Haase discloses the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor (Page 18, Lines 3-11).

It would have been obvious to a person of ordinary skill in the art to modify Fujita to include the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor as taught by Haase in order to determine the magnetic field stress on a person over an extended period of time (Page 9, First Full Paragraph, Lines 1-6).

As to Claim 13,

Fujita discloses an acoustical signaling means that is provided for signaling that a limit has been exceeded, and that the signaling means is controlled by the analyzer unit (Page 329, Right Column, (5) Alarm threshold).

Fujita does not disclose at least one optical signaling means provided for at least one of indicating measured values and signaling that a limit has been exceeded, and that the at least one optical signaling means is controlled by the analyzer unit.

Haase discloses at least one optical signaling means provided for at least one of indicating measured values and signaling that a limit has been exceeded, and that the at least one optical signaling means is controlled by the analyzer unit ((Page 18, Lines 11-24) and (Page 19, Line 1) and (Figure)).

It would have been obvious to a person of ordinary skill in the art to modify Fujita to include at least one optical signaling means provided for at least one of indicating measured values and signaling that a limit has been exceeded, and that the at least one optical signaling means is controlled by the analyzer unit as taught by Haase in order to avoid a possible health risk (Page 19, Line 6).

As to Claim 15,

Fujita discloses the magnetic field sensor is a multi-dimensional field sensor (Figure 1).

Fujita does not disclose the analyzer unit computes at least one of a magnitude and an orientation of the magnetic field vector from the signals.

Haase discloses the analyzer unit computes a magnitude and an of the magnetic field vector from the signals ((Page 8) and (Page 9, Lines 1-4)).

It would have been obvious to a person of ordinary skill in the art to modify Fujita to include the analyzer unit computes a magnitude and an of the magnetic field vector from the signals as taught by Haase in order to determine the magnetic field at the device's current location.



9. Claims 19, 21, 22, 24, 25, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (herein referred to as "Fujita") (Portable magnetic field dosimeter with data acquisition capabilities) in view of Hosohara et al. (herein referred to as "Hosohara") (JP 4-324353).

As to Claim 19,

Fujita discloses an analyzer unit for evaluation of signals from the magnetic field sensor, wherein the analyzer forms a differentiation as a function of time from signals of the magnetic field sensor ((Figure 1) and (Page 328, Right Column, IV. Software, Lines 1-4) and (Page 329, Right Column, (3) Magnitudes of B and dB/dt, Lines 1-3)).

Fujita does not disclose storing into memory only those signals from the magnetic field sensor that exceed a predetermined limit.

Hosohara discloses storing into memory only those signals from the magnetic field sensor that exceed a predetermined limit ((Title / note eddy current flaw detection) and (Abstract, Purpose, Lines 1-4)).

It would have been obvious to a person of ordinary skill in the art to modify Fujita to include storing into memory only those signals from the magnetic field sensor that exceed a predetermined limit as taught by Hosohara in order to achieve a decrease in the amount of memory data, a smaller size of the apparatus, and a higher speed of processing (Abstract, Purpose, Lines 1-2).

As to Claim 21,

Fujita discloses the device includes at least one memory associated with the analyzer unit, to store at least one of the signals of the magnetic field sensor and values

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obtained by processing the signals (Page 326, Top Center Paragraph which is above the Introduction, Lines 3-11).

As to Claim 22,

Fujita discloses the device includes at least one signaling unit associated with the analyzer unit (Page 329, Right Column, (5) Alarm Threshold, Lines 1-3).

As to Claim 23,

Fujita discloses the magnetic field sensor and the analyzer unit are incorporated in a common housing ((Page 330, Left Column, VI. Mechanical and Operational Specifications, A. Size, Lines 1-4) and (Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-8) and (Figure 1) and (Page 327, Right Column, Table I. Dosimeter components)).

As to Claim 25,

Fujita discloses at least one limit discriminator is provided in the analyzer unit, which compares at least one value computer from the signals of the magnetic field sensor with the predetermined limit and signals the entry of the value to the memory when this limit is exceeded ((Page 329, Right Column, (5) Alarm threshold, Lines 1-12) and (Page 329, Right Column, (6) Data storage, Lines 1-12) and (Page 330, Left Column, Lines 1-2 at the top of the page)).

As to Claim 27,

Fujita discloses means are provided for communication and data exchange (Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-10).

As to Claim 28,

Fujita discloses the communication and data exchange means are an interface for linking an external computer and a memory card ((Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-10) and (Page 330, Left Column, V. Readout Station, Lines 1-7)).

As to Claim 29,

Fujita discloses the magnet field sensor and the analyzer unit are jointly accommodated in a housing that is suitable for being fastened on a piece of clothing ((Page 330, Left Column, VI. Mechanical and Operational Specifications, A. Size, Lines 1-10) and (Page 330, Right Column, Line 1) and (Page 326, Right Column, I. Design Rationale and System Elements, Lines 1-8) and (Figure 1) and (Page 327, Right Column, Table I. Dosimeter components)).

10. Claims 20, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. (herein referred to as "Fujita") (Portable magnetic field dosimeter with data acquisition capabilities) in view of Hosohara et al. (herein referred to as "Hosohara") (JP 4-324353) and in further view of Haase et al. (herein referred to as "Haase") (DE 19809076).

As to Claim 20,

Fujita in view of Hosohara do not disclose the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor.

Haase discloses the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor (Page 18, Lines 3-11).

It would have been obvious to a person of ordinary skill in the art to modify Fujita in view of Hosohara to include the analyzer unit is designed that it forms an integral as a function of time from the signals of the magnetic field sensor as taught by Haase in order to determine the magnetic field stress on a person over an extended period of time (Page 9, First Full Paragraph, Lines 1-6).

As to Claim 24,

Fujita discloses an acoustical signaling means that is provided for signaling that a limit has been exceeded, and that the signaling means is controlled by the analyzer unit (Page 329, Right Column, (5) Alarm threshold).

Fujita in view of Hosohara do not disclose at least one optical signaling means provided for at least one of indicating measured values and signaling that a limit has been exceeded, and that the at least one optical signaling means is controlled by the analyzer unit.

Haase discloses at least one optical signaling means provided for at least one of indicating measured values and signaling that a limit has been exceeded, and that the at least one optical signaling means is controlled by the analyzer unit ((Page 18, Lines 11-24) and (Page 19, Line 1) and (Figure)).

It would have been obvious to a person of ordinary skill in the art to modify Fujita in view of Hosohara to include at least one optical signaling means provided for at least one of indicating measured values and signaling that a limit has been exceeded, and that the at least one optical signaling means is controlled by the analyzer unit as taught by Haase in order to avoid a possible health risk (Page 19, Line 6).

As to Claim 26,

Fujita discloses the magnetic field sensor is a multi-dimensional field sensor (Figure 1).

Fujita in view of Hosohara do not disclose the analyzer unit computers at least one of a magnitude and an orientation of the magnetic field vector from the signals.

Haase discloses the analyzer unit computes a magnitude and an of the magnetic field vector from the signals ((Page 8) and (Page 9, Lines 1-4)).

It would have been obvious to a person of ordinary skill in the art to modify Fujita in view of Hosohara to include the analyzer unit computes a magnitude and an of the magnetic field vector from the signals as taught by Haase in order to determine the magnetic field at the device's current location.

### ***Response to Arguments***

11. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Schindler whose telephone number is (571) 272-2112. The examiner can normally be reached on M-F (8:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571) 272-2180. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David Schindler  
Examiner  
Art Unit 2862

DS

  
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